

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JACKLYN LEE SCHMID, Minor.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
December 27, 2005

Petitioner-Appellee,

v

ALBERT THOMAS SCHMID,

Respondent-Appellant,

and

TINA LYNN SCHMID,

Respondent.

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No. 262714  
Macomb Circuit Court  
Family Division  
LC No. 03-055836-NA

Before: Owens, P.J., and Saad and Fort Hood, JJ.

**MEMORANDUM.**

Respondent father appeals as of right from the trial court order terminating his parental rights to Jacklyn under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that statutory grounds for termination of respondent father's parental rights had been established by clear and convincing evidence. MCR 3.977(J). The conditions leading to adjudication with regard to respondent father were his homelessness, lack of stable employment, and substance abuse. At the time of trial, respondent father's housing and employment situations had not changed, and he had not complied with requirements of his parent-agency agreement to obtain a substance abuse assessment and a psychological evaluation. Respondent father admitted at the termination trial that his housing at a motel was not suitable for Jacklyn, that his income was not sufficient to support himself and Jacklyn, and that he did not know when he would be able to provide her with a proper home. Evidence was presented that he showed up for some visitations with the minor child after drinking and was sent home from parenting classes because of intoxication. Therefore, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

The trial court also did not clearly err in its best interests determination. MCL 712A.19b(5). Although respondent father telephoned Jacklyn daily, he did not visit her regularly after visits were moved to the agency and he did not make any progress in significant areas of his parent-agency agreement.

Affirmed.

/s/ Donald S. Owens

/s/ Henry William Saad

/s/ Karen M. Fort Hood